

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-7384
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007-168

13 SUSAN COMBE
95 Longwood Drive
14 Watterloo, Ontario, Canada N2L 4B6

DEFAULT DECISION

[Gov. Code §11520]

15 Registered Nurse License No. 612433

16 Respondent.
17

18 **FINDINGS OF FACT**

19 1. On or about December 18, 2006, Complainant Ruth Ann Terry, M.P.H.,
20 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs, filed Accusation No. 2007-168 against Susan Combe
22 ("Respondent") before the Board of Registered Nursing.

23 2. On or about January 28, 2003, the Board of Registered Nursing ("Board")
24 issued Registered Nurse License Number 612433 to Respondent. Respondent's registered nurse
25 license expired on December 31, 2004.

26 On or about December 26, 2006, Carol Sekara, an employee of the Office
27 of the Attorney General, served by Certified and First Class Mail a copy of the Accusation No.
28 2007-168, Statement to Respondent, Notice of Defense, Request for Discovery, and Government

1 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
2 which was and is 95 Longwood Drive, Waterloo, Ontario, Canada N2L 4B6. A copy of the
3 Accusation and the related documents are attached as exhibit A and are incorporated herein by
4 reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. Business and Professions Code section 118 states, in pertinent part:

8 (b) The suspension, expiration, or forfeiture by operation of law of a
9 license issued by a board in the department, or its suspension, forfeiture, or
10 cancellation by order of the board or by order of a court of law, or its surrender
11 without the written consent of the board, shall not, during any period in which it
12 may be renewed, restored, reissued, or reinstated, deprive the board of its
13 authority to institute or continue a disciplinary proceeding against the licensee
14 upon any ground provided by law or to enter an order suspending or revoking the
15 license or otherwise taking disciplinary action against the license on any such
16 ground.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the
15 respondent files a notice of defense, and the notice shall be deemed a specific
16 denial of all parts of the accusation not expressly admitted. Failure to file a notice
17 of defense shall constitute a waiver of respondent's right to a hearing, but the
18 agency in its discretion may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
19 Accusation No. 2007-168.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at
22 the hearing, the agency may take action based upon the respondent's express
23 admissions or upon other evidence and affidavits may be used as evidence without
24 any notice to respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board
25 finds Respondent is in default. The Board will take action without further hearing and, based on
26 Respondent's express admissions by way of default and the evidence before it, contained in
27 exhibit A, finds that the allegations in Accusation No. 2007-168 are true.

28 ///

1 10. The total costs for investigation and enforcement are \$408.75 as of July
2 16, 2007.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent Susan Combe has
5 subjected her Registered Nurse License Number 612433 to discipline.

6 2. A copy of the Accusation and the related documents are attached.

7 3. The agency has jurisdiction to adjudicate this case by default.

8 4. The Board of Registered Nursing is authorized to revoke Respondent's
9 Registered Nurse License based upon the following violation alleged in the Accusation:
10 Business and Professions Code section 2761, subdivision (a)(4) (disciplinary action by the State
11 of Washington Department of Health, Nursing Care Quality Assurance Commission).

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Attachments:

26

Exhibit A: Accusation No. 2007-168 and Related Documents

27

DOJ docket number: 03579110-SA2006101015

28

Combe, Susan.def.wpd

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-7384
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 SUSAN COMBE
95 Longwood Drive
14 Watterloo, Ontario, Canada N2L 4B6
15 Registered Nurse License No. 612433

16 Respondent.
17

Case No. 2007-168

ORDER ON DEFAULT DECISION

[Gov. Code §11520]

18 IT IS SO ORDERED that Registered Nurse License Number 612433, heretofore
19 issued to Respondent Susan Combe, is revoked.

20 Pursuant to Government Code section 11520, subdivision (c), Respondent may
21 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
22 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on November 5, 2007.

4 It is so ORDERED October 5, 2007

5
6 *La Francine W Tate*

7 FOR THE BOARD OF REGISTERED NURSING
8 DEPARTMENT OF CONSUMER AFFAIRS
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 2007-168 and Related Documents

1 BILL LOCKYER, Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-7384
Facsimile: (916) 327-8643

7 Attorneys for Complainant
8
9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007-168

14 SUSAN COMBE
95 Longwood Drive
15 Watterloo, Ontario, Canada N2L 4B6
16 Registered Nurse License No. 612433

A C C U S A T I O N

17 Respondent.
18

19 Complainant alleges:
20

PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about January 28, 2003, the Board issued Registered Nurse License
25 Number 612433 to Susan Combe ("Respondent"). Respondent's registered nurse license expired
26 on December 31, 2004.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761, subdivision (a)(4), states that the Board may take disciplinary action against a certified or licensed nurse for unprofessional conduct, which includes, but is not limited to, denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

Cost Recovery

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Disciplinary Action by State of Washington

Department of Health, Nursing Care Quality Assurance Commission)

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct. On or about January 11, 2006, pursuant to the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, signed


1 by Respondent on December 30, 2005, and accepted by the State of Washington, Department of
2 Health, Nursing Care Quality Assurance Commission, on January 11, 2006, in the disciplinary
3 action titled *In the Matter of the License to Practice as a Registered Nurse of: Susan Combe, RN*,
4 Docket No. 05-08-A-1022RN, Respondent's license to practice as a registered nurse in the state
5 of Washington was indefinitely suspended. A true and correct copy of the Stipulated Findings of
6 Fact, Conclusions of Law and Agreed Order is attached as exhibit "A" and incorporated herein by
7 reference.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein
10 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Revoking or suspending Registered Nurse License Number 612433, issued
12 to Susan Combe;
- 13 2. Ordering Susan Combe to pay the Board of Registered Nursing the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 12/18/06.

18
19 
20 RUTH ANN TERRY, M.P.H., R.N.
21 Executive Officer
22 Board of Registered Nursing
23 Department of Consumer Affairs
24 State of California

25 Complainant
26
27
28